

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TROY LUCAS,

Petitioner,

-against-

ODYSSEY HOUSE,

Respondent.

22-CV-9206 (LTS)

CIVIL JUDGMENT

By order issued February 13, 2023, the Court dismissed this action for lack of subject matter jurisdiction, but granted Petitioner thirty days' leave to replead his claims in an amended petition. Petitioner has not filed an amended petition or otherwise communicated with the Court.

IT IS ORDERED, ADJUDGED, AND DECREED that the petition is dismissed without prejudice for lack of subject matter jurisdiction under Rule 12(h)(3) of the Federal Rules of Civil Procedure. Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue under 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the Court's judgment would not be taken in good faith.

SO ORDERED.

Dated: April 17, 2023  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge